

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

KAPPA ALPHA THETA FRATERNITY, INC.; KAPPA KAPPA GAMMA FRATERNITY; SIGMA CHI; SIGMA ALPHA EPSILON; SIGMA ALPHA EPSILON—MASSACHUSETTS GAMMA; JOHN DOE 1; JOHN DOE 2; JOHN DOE 3,	:	
Plaintiffs,	:	
v.	:	
HARVARD UNIVERSITY; PRESIDENT AND FELLOWS OF HARVARD COLLEGE (HARVARD CORPORATION),	:	
Defendants.	:	

**MOTION FOR LEAVE OF COURT TO PERMIT STUDENT
PLAINTIFFS TO PROCEED UNDER PSEUDONYMS AND FOR
A PROTECTIVE ORDER TO PROTECT THEIR IDENTITIES**

Plaintiffs John Doe 1, John Doe 2, and John Doe 3 seek authorization to proceed under pseudonyms in the above-captioned civil action and request a protective order protecting their identities from disclosure, stating in support as follows:

1. John Doe 1, John Doe 2, and John Doe 3 have commenced this lawsuit against Defendants for violating Title IX and the Massachusetts Civil Rights Act. Defendants have used threats, intimidation, and coercion to compel students to terminate their membership in single-sex organizations and used similar tactics to silence individuals who advocate for single-sex organizations' continued existence at Harvard.

2. John Doe 1, John Doe 2, and John Doe 3 are gravely concerned for their privacy, reputations, and future professional opportunities, and fear that they may be subject to retribution

by Defendants and others for filing this lawsuit. As set forth in more detail in the accompanying memorandum of law, John Doe 1, John Doe 2, and John Doe 3 have credible reason to fear that, in retaliation for filing this lawsuit, Defendants and others will deny them access to University resources and other educational benefits, attempt to interfere with or deny them future professional opportunities, and seek to stigmatize them, to invade their privacy, and to assassinate their character. Moreover, John Doe 1, John Doe 2, and John Doe 3 are not public figures. Their identities are of little relevance to the substance of the claims in this lawsuit. Disclosure of John Doe 1, John Doe 2, and John Doe 3's specific identities would be of little public interest.

3. For these and other reasons further set forth in the accompanying memorandum of law, John Doe 1, John Doe 2, and John Doe 3 respectfully request that this Court:

- A. Grant their motion to proceed under pseudonyms; and
- B. Enter a protective order (a) protecting their identities from disclosure to Defendants or any third party unless such disclosure is necessary to defend against this action or to comply with any orders this Court may enter, and (b) requiring that any party that publicly files a document identifying them redact all personal identifiers therein in accordance with Fed. R. Civ. P. 5.2.

Dated: December 3, 2018

Respectfully submitted,

**ARNOLD & PORTER
KAYE SCHOLER LLP**

By: /s/ John A. Freedman
R. Stanton Jones*
John A. Freedman (BBO # 629778)
Andrew T. Tutt*
601 Massachusetts Ave., NW
Washington, DC 20001
(202) 942-5000

stanton.jones@arnoldporter.com
john.freeman@arnoldporter.com
andrew.tutt@arnoldporter.com

Sara L. Shudofsky*
Ada Añon*
250 West 55th Street
New York, NY 10019
(212) 836-8000
sara.shudofsky@arnoldporter.com
ada.anon@arnoldporter.com

Alexa D. Jones*
370 Seventeenth Street, Suite 4400
Denver, CO 80202
(303) 863-1000
alexa.jones@arnoldporter.com

Counsel for Plaintiffs

* Motions for pro hac vice admission forthcoming

LOCAL RULE 7.1 CERTIFICATION

Pursuant to Local Rule 7.1(a)(2), and Federal Rule of Civil Procedure 37(a), counsel for Plaintiffs will confer with counsel for the Defendants upon the appearance of counsel in an effort to resolve the issues underlying this Motion.

/s/ John A. Freedman
John A. Freedman

CERTIFICATE OF SERVICE

I hereby certify that this document, along with the Summons and Complaint, will be served on the Defendants in accordance with Fed. R. Civ. P. 4.

/s/ John A. Freedman
John A. Freedman